

40 CFR Part 300

[FRL-5193-7]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update; Cemetery Dump Site, Rose Township, MI**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of Deletion of the Cemetery Dump Site, Rose Township, Michigan from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Cemetery Dump Site, in Rose Township, Michigan from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Michigan have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Michigan have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: April 19, 1995.

FOR FURTHER INFORMATION CONTACT: Matthew Mankowski (HSRW-6J), Remedial Project Manager, Office of Superfund, U.S. EPA-Region V, 77 West Jackson Blvd., Chicago, IL 60604, (312) 886-1842. The comprehensive information on the site is available at the local information repository located at: Holly Township Library, 1116 N. Saginaw, Holly, MI. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. Address for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Cemetery Dump Site, Rose Township, Michigan.

A Notice of Intent to Delete for this site was published FR Doc. 95-3604. The closing date for comments on the Notice of Intent to Delete was March 17, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 is revised to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B [Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Cemetery Dump, Rose Township, Michigan".

Dated: April 3, 1995.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 95-9537 Filed 4-18-95; 8:45 am]

BILLING CODE 6560-50-P-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Public Land Order 7134**

[CA-930-1430-01; CACA 4661]

Partial Revocation of Executive Order Dated April 17, 1926, Public Water Reserve No. 107; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order insofar as it affects 69.78 acres of public land withdrawn for a public water reserve. The land is no longer needed for that purpose, and the partial revocation is needed to facilitate a land exchange under Section 206 of the Federal Land Policy and Management Act of 1976. This action will open 69.78 acres to surface entry and nonmetalliferous mining unless closed by overlapping withdrawals or temporary segregation of record. The land has been and remains open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825-1889; 916-979-2858.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 17 N., R. 10 E.,

Sec. 28, lots 5 and 7.

The area described contains 69.78 acres in Nevada County.

2. At 10 a.m. on May 19, 1995, the land will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 19, 1995, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on May 19, 1995, the land will be opened to location and entry for nonmetalliferous mining under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration in unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between

rival locators over possessory rights since Congress has provided for such determination in local courts.

Dated: April 4, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-9581 Filed 4-18-95; 8:45 am]

BILLING CODE 4310-40-P

43 CFR Public Land Order 7135

[AK-932-1430-01; J-011940]

Revocation of Public Land Order No. 2546; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order in its entirety as it affects approximately 6.86 acres of National Forest System land withdrawn for use by the Forest Service, Department of Agriculture, for the North Douglas Administrative Site. The land is no longer needed for the purpose for which it was withdrawn. This action also allows the conveyance of the land to the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State is opened and will be subject to the terms and conditions of the national forest reservation and any other withdrawal of record.

EFFECTIVE DATE: April 19, 1995.

FOR FURTHER INFORMATION CONTACT: Sue A. Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 2546, which withdrew lands for use by the Forest Service as administrative sites, is hereby revoked as it affects the following described land:

Copper River Meridian

Tongass National Forest

A parcel of land located within lot 4 of sec. 17, in partially surveyed T. 41 S., R. 66 E., more particularly described as:

Beginning at a point N. 10°29' E., 102.81 chains from Corner No. 2 of U.S.S. No. 1555 and also N. 63° W., 0.14 chain from Station P-569+00 on the P-Line of B.P.R. North Douglas Forest Highway Extension No. 30; Thence West, 8.0 chains;

North, 8.04 chains to the line of mean high water;

Easterly, 10.19 chains with the line of mean high water;

S. 9° W., 9.96 chains to the point of beginning.

The area described contains approximately 6.86 acres.

2. The State of Alaska application for selection made under Section 6(a) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), and under Section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. Land not conveyed to the State is opened and will be subject to the terms and conditions of the Tongass National Forest reservation and any other withdrawal of record.

Dated: April 4, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-9580 Filed 4-18-95; 8:45 am]

BILLING CODE 4310-JA-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 61

[CC Docket No. 94-1; FCC 95-132]

Price Cap Performance Review for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On March 30, 1995, the Federal Communications Commission adopted a First Report and Order revising its price cap regulations applicable to local exchange carriers (LECs). The Commission adopted these Rule revisions as a result of a performance review of LEC price cap regulation, which the Commission scheduled when it originally adopted LEC price cap regulation in 1990, to evaluate the price cap system as implemented and LEC performance under that system. The Commission's rule revisions increase value of the productivity offset factor in the price cap formula, provide three options for the productivity offset factor, revise the rules governing sharing obligations, and require a one-time reduction in the LECs' price cap indexes. The Commission also limits the number of cost changes resulting from changes in accounting rules that are eligible for exogenous cost treatment, and extends exogenous cost treatment to cost changes resulting from the sales or swaps of exchanges. In addition, the Commission states its intention to issue a further notice of proposed rulemaking in the near future, to consider adopting

other rule changes on a long-term basis. Finally, the Commission delegates authority to the Common Carrier Bureau to determine appropriate adjustments for LECs to make appropriate adjustments to their price cap indexes, to account for these effects caused by rescheduling their 1995 annual access filings.

EFFECTIVE DATE: May 19, 1995.

FOR FURTHER INFORMATION CONTACT:

Joanne F. Wall or Steven Spaeth, Tariff Division, Common Carrier Bureau, (202) 418-1530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order adopted March 30, 1995, and released April 7, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Public Reference Room (Room 230), 1919 M. St., N.W., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Suite 140, 2100 M Street, N.W., Washington, D.C. 20037.

Regulatory Flexibility Analysis

We have determined that Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. § 605(b), does not apply to these rules because they do not have a significant economic impact on a substantial number of small entities. The definition of a "small entity" in Section 3 of the Small Business Act excludes any business that is dominant in its field operation. Local exchange carriers do not qualify as small entities because they have a nationwide monopoly on ubiquitous access to the subscribers in their service area. The Commission also has found all exchange carriers to be dominant in its competitive carrier proceeding. See 85 FCC 2d 1, 23-24 (1980).

To the extent that small telephone companies will be affected by these rules, we hereby certify that these rules will have a significant effect on a substantial number of "small entities."

Summary of Report and Order

In this Order, we adopted revisions to the productivity offset factor, or "X-Factor," of the price cap index formula. In the formula, the X-Factor, which represents the amount by which local exchange carriers have been more productive than the economy as a whole, is subtracted from the Gross National Product Price Index (GNP-PI), a measure of inflation. In general, LEC prices are not permitted to increase more than the rate established by the